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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,657	09/16/2005	Stephen Terry Lang	040857/297610	7670
826 7590 01/28/2010 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER MATTHEWS, WILLIAM H	
			ART UNIT 3774	PAPER NUMBER
			MAIL DATE 01/28/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/549,657	LANG, STEPHEN TERRY	
	<b>Examiner</b>	<b>Art Unit</b>	
	William H. Matthews (Howie)	3774	

  

**All Participants:**

(1) William H. Matthews (Howie).

(2) Donald M. Hill, Jr.

**Date of Interview:** 14 January 2010

**Type of Interview:**

☒ Telephonic

☐ Video Conference

☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description: \_\_\_\_\_

**Part I.**

Rejection(s) discussed:

*Wagner under 102*

Claims discussed:

*1,3,17,19-23,27*

Prior art documents discussed:

*Wagner and 6517585/WO99/08621*

**Part II.**

**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**

*Examiner explained that WO99/08621 (US6517585) was related to currently claimed subject matter, and Wagner was still applicable prior art. Examiner proposed amending claim 1 to include limitations of claim 3 and rotary piston or claim 5, amending claim 17 to include rotary piston and limitations of claims 19-21, amending claim 22 to include rotary piston and limitations of claim 23, and amending claim 27 to include rotary piston and limit the functional limitations to occur during flexion. The conversation did not immediately result in agreement or disagreement. On 1/22 Applicant's representative informed Examiner that Applicant was not amenable to the proposed amendments.*

**Part III.**

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

/William H. Matthews/  
Primary Examiner, Art Unit 3774

**Status of Application:** AMDT after non-final rejection

(3) \_\_\_\_\_

(4) \_\_\_\_\_

**Time:** 2PM

(Applicant/Applicant's Representative Signature – if appropriate)